

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-315V

Filed: June 3, 2016

UNPUBLISHED

DON KNOBBE,

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Petitioner,

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v.

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Ruling on Entitlement; Concession;

Influenza;

Shoulder Injury ("SIRVA");

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SECRETARY OF HEALTH

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Special Processing Unit ("SPU")

AND HUMAN SERVICES,

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Respondent.

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Mary Coffey, Coffey & Nichols, LLC, St. Louis, MO, for petitioner.

Michael Patrick Milmoie, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On March 10, 2016, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act"). Petitioner alleges that he suffered a shoulder injury related to vaccine administration ("SIRVA") following receipt of an influenza vaccination on October 8, 2014. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 1, 2016, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent "has concluded that a preponderance of the evidence establishes that petitioner's injury is consistent with a shoulder injury related to vaccine administration ("SIRVA"), and that petitioner's injury is not due to factors unrelated to his October 8, 2014 flu vaccination." *Id.* at 3. Respondent further agrees that petitioner

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

suffered the condition for more than six months, that he has averred that no prior civil action or proceedings have been pursued, and that entitlement to compensation is appropriate under the terms of the Vaccine Act. *Id.* at 3-4.

In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master